



PLANNING COMMISSION AGENDA

Wednesday, September 27, 2006

6:30 p.m. Regular Meeting
Council Chambers
City Hall Wing

200 East Santa Clara Street
San Jose, California

Xavier Campos, Chair
James Zito, Vice-Chair

Dang T. Pham Bob Dhillon
Christopher Platten
Ash Kalra Matt Kamkar

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Xavier Campos** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, September 27, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers. If you want to address the Commission, **fill out a speaker card (located on the table by the door, on the parking validation table at the back, and at the bottom of the stairs near the AV technician. Deposit the completed card in the basket near the Planning Technician. Please include the agenda item number (not the file number) for reference. Example: 4a, not PD06-023.**

The procedure for this hearing is as follows:

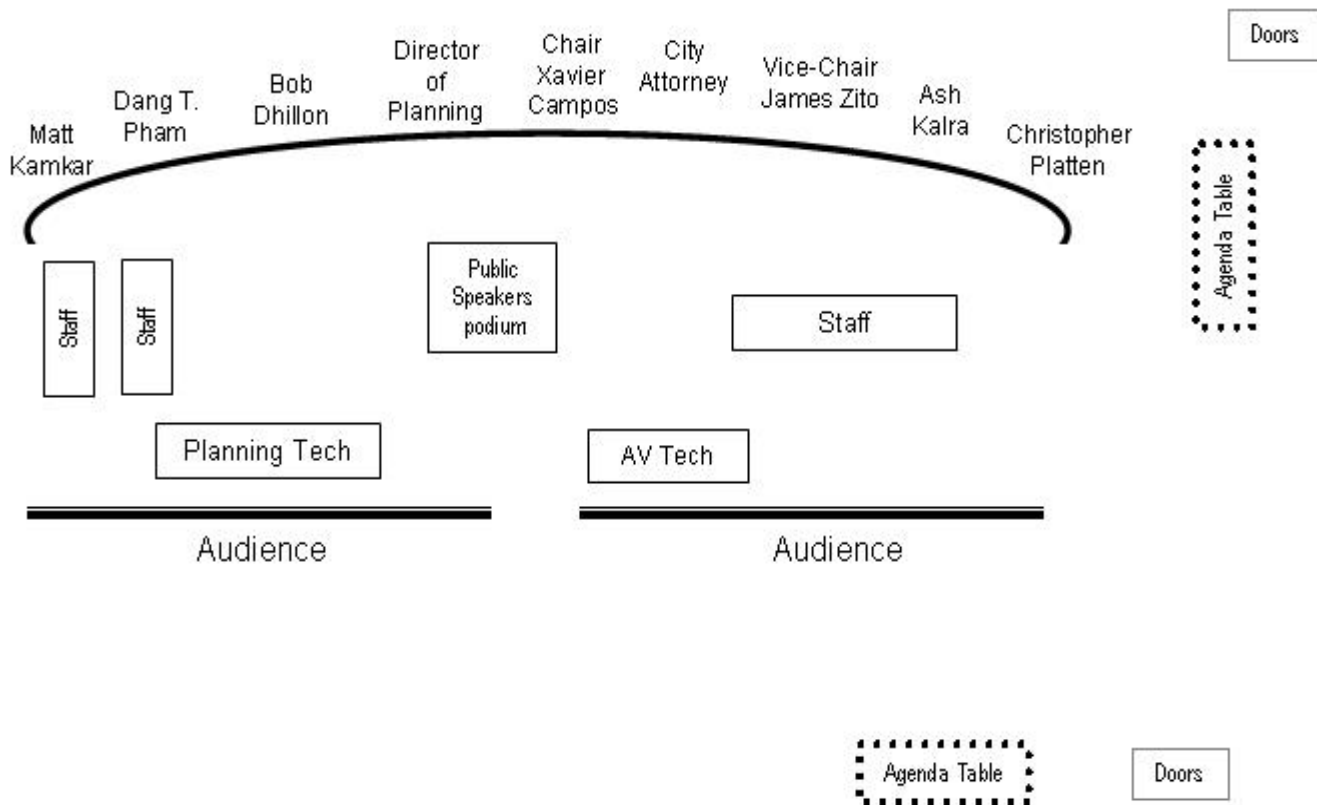
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

- a. [PDC04-043](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow an approximately 170,000 square foot, five-story structure for a parking garage and automobile service center uses at an existing automobile dealership on a 5.77 gross acre site, located on the southwest corner of Stevens Creek Boulevard and Palace Drive (4500 Stevens Creek Boulevard). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration.

DEFER TO 10-11-06

- b. [PDC05-109](#). Planned Development Rezoning from A Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 13 single-family detached residences on a 1.24 gross acre site, located at the southeast corner of Almaden Expressway and Almaden Road (18950 ALMADEN RD) (Carson Jon D And R Jennifer, Owner). Council District 10. SNI: None. CEQA: Mitigated Negative Declaration.

DEFER TO 10-11-06

- c. [An Ordinance amending Title 21](#) of the San Jose Municipal Code, the Zoning Code, to add a new section and amending section 21.06.030 of Chapter 21.06 of Title 21, all related to providing for an additional appeal to the City Council of certain environmental clearance determinations. CEQA: Not a Project. Deferred from 8-9-06, 8-23-06 and 9-13-06.

DEFER TO 10-11-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CP06-045/ABC06-020](#). Conditional Use Permit to allow a drinking establishment with late night use until 2:00 a.m, and off-sale of alcoholic beverages at a wine and dessert bar; and a Liquor License Exception Permit for a Determination of Public Convenience or Necessity to allow off-sale alcohol on a 0.14 gross acre site in the DC Downtown Primary Commercial Zoning District, located on the southwest corner of South 1st Street and Post Street (60 S MARKET ST) (Sms-Vef Iv Llc, Owner). Council District 3. SNI: None. CEQA: Exempt.

Staff Recommendation:

Approve a Conditional Use Permit to allow a drinking establishment with late night use until 2:00 a.m, and off-sale of alcoholic beverages at a wine and dessert bar; and a Liquor License Exception Permit for a Determination of Public Convenience or Necessity to allow off-sale alcohol as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. [H05-006](#). APPEAL of the Planning Director's decision to approve a Site Development permit to allow the construction of 41,705 square feet of additions to an existing shopping mall (Westgate West Shopping Center) and allow facade and site modifications on a 18.9 gross acre site, in the CG Commercial General Zoning District, located on East side of Lawrence Expressway, between Graves Avenue and Prospect Road (West Valley properties, Owner). Council District 1. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 5-3-06, 6-5-06 and 8-23-06.

Staff Recommendation:

Consider the Mitigated Negative Declaration in accordance with CEQA. Uphold Director's decision to approve a Site Development permit to allow the construction of 41,705 square feet of additions to an existing shopping mall (Westgate West Shopping Center) and allow facade and site modifications as recommended by Staff.

- b. [PDC06-065](#). Planned Development Rezoning from R-1-8 Residential Zoning District to an A(PD) Planned Development Residential Zoning District to allow the construction of two single family detached residences arranged in a flag lot configuration for the property located on the west side of Settle Avenue, approximately 500 feet northwest of Minnesota Avenue (1305 Settle Avenue) (3564 Highland LLC, Owner). Council District 6. SNI: None. CEQA: Exempt. Deferred from 9-13-06.

Staff Recommendation:

Recommend to the City Council denial of a Planned Development Rezoning from R-1-8 Residential Zoning District to an A(PD) Planned Development Residential Zoning District to allow the construction of two single family detached residences arranged in a flag lot configuration as recommended by Staff.

- c. [CP06-017](#). Conditional Use Permit to allow expansion of an existing aggregate depot (Raisch Products facility) including the installation of a rail spur off the Union Pacific railroad tracks and a conveyor system for unloading aggregate on a 16.24 gross acres site in the HI - Heavy Industrial and LI - Light Industrial Zoning Districts, located on the north side of Pullman Avenue and Daylight Way (111 Pullman Ave)(Raisch Investment Group, LTD, Owner; Raisch Products, Developer). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Negative Declaration in accordance with CEQA. Approve a Conditional Use Permit to allow expansion of an existing aggregate depot (Raisch Products facility) including the installation of a rail spur off the Union Pacific railroad tracks and a conveyor system for unloading aggregate as recommended by Staff.

- d. [PDC06-034](#). Planned Development Rezoning from the current A(PD) Planned Development Zoning District which allows up to 969 single-family and multi-family residential units and approximately 18,000 square feet of commercial space site to a new A(PD) Planned Development Zoning District to modify the previously approved General Development Standards to allow (1) a reduction in setbacks along Monterey Road, (2) to allow detached units, and (3) to clarify the park dedication requirement on a 29.5-acre site located at the southwest corner of Monterey Road and Goble Lane. (2745 Monterey Road) (ROEM Development Corporation, Owner/Developer). Council District 7. SNI: None. CEQA: Goble Lane EIR Resolution No.72877, File No. PDC02-066. Deferred from 9-13-06.

Staff Recommendation:

Consider the Environmental Impact Report in accordance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from the current A(PD) Planned Development Zoning District which allows up to 969 single-family and multi-family residential units and approximately 18,000 square feet of commercial space site to a new A(PD) Planned Development Zoning District as recommended by Staff.

- e. The projects being considered are located on the south side of Tully Road approximately 190 feet northeasterly of Lanai Avenue (1632 Tully Road)(Crown Castle USA, Owner). Council District 7. SNI: West Evergreen. CEQA: Exempt.

1. **V06-012**. Wireless – Development Exception to allow an 80 foot in height wireless antenna which exceeds the height limit of 65 feet in the CG Commercial General Zoning District on a 0.56 gross acre site.

Staff Recommendation:

Deny a Wireless – Development Exception to allow an 80 foot in height wireless antenna as recommended by Staff.

2. **CP06-021**. Wireless-Conditional Use Permit to allow an 80 foot in height monopole with 12 flush mounted antennas, one 10 foot in height pole mounted with one omni antenna, one satellite dish, and one GPS antenna, and associated ground equipment, operating without permit, on a 0.56 gross acre site in the CG General Commercial Zoning District.

Staff Recommendation:

Conditionally approve a Wireless-Conditional Use Permit to allow a 65-foot monopole with 12 flush mounted antennas as recommended by Staff.

5. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

7. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (Campos).
 - Coyote Valley Specific Plan (Platten)

- Evergreen East Hills Vision Strategy Task Force (Zito)
 - Parks Funding Subcommittee (Zito)
- c. Review of synopsis
 - d. Add Monday, November 13, 2006 as a General Plan/Regular meeting date.
 - e. Response to Santa Clara County Civil Grand Jury Letter to PC Chair regarding ability of the public to review open meetings records.
 - f. Select Annual Retreat date for November 9 or November 16, 2006, and discuss potential topics.

8. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Review Capital Improvement Program</i>			
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	CANCELLED	<i>Study Session</i>	T-332
<i>Joint study session with Parks Commission</i>			
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	CANCELLED	Regular Meeting	Council Chambers
June 5	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	5:00 p.m.	<i>Study Session</i>	T-1654
<i>Joint study session with Parks Commission</i>			
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
September 27	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
November 15	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers